

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERICA HIGGINBOTHAM,)	CIVIL DIVISION
)	
Plaintiff,)	
)	Civil Action No.
vs.)	
)	
LIBERTY INSURANCE CORPORATION,)	
)	
Defendant.)	

PETITION FOR REMOVAL OF CIVIL ACTION

AND NOW, comes Defendant Liberty Insurance Corporation, by and through its counsel, Marshall Dennehey Warner Coleman & Goggin, William C. Foster, Esquire and Patricia A. Monahan, Esquire, and files the within Petition for Removal of Civil Action from the Court of Common Pleas of Allegheny County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania, representing as follows:

1. Plaintiff commenced this action on December 13, 2017 by filing a Writ of Summons in the Court of Common Pleas of Allegheny County, Pennsylvania, at Case Number GD 17-016986 and on May 14, 2018 filed a Complaint. (A true and correct copy of Plaintiff's Complaint is attached hereto and marked as Exhibit "A").

2. Plaintiff avers that she resides in Cranberry Township, Butler County, Pennsylvania. (Exhibit "A", ¶ 1). Therefore, upon information and belief, Plaintiff is a citizen of the Commonwealth of Pennsylvania.

3. Liberty Insurance Corporation is a corporation organized and existing under the laws of the State of Illinois, with its principal place of business located at 175 Berkeley Street, Boston, Massachusetts 02116.

4. A copy of the Allegheny County Docket is attached hereto and marked as Exhibit "B".

5. In her Complaint, Plaintiff alleges claims against Defendant for contractual bad faith and for statutory bad faith pursuant to 42 Pa.C.S. §8371.

6. Based upon the allegations of Plaintiff's Complaint, it appears that the amount in controversy in this action is in excess of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of costs and interest.

7. Counsel for Liberty Insurance Corporation spoke with Plaintiff's counsel and received confirmation that Plaintiff takes the position that the amount in controversy is in excess of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of costs and interest, confirmation of which is attached hereto as Exhibit "C."

8. This Honorable Court has jurisdiction over this action pursuant to the provisions of 28 U.S.C. §1332 because diversity of citizenship exists between the parties and the amount in controversy exceeds \$75,000.00.

9. The present lawsuit is removable from state court to this Honorable Court by Notice pursuant to 28 U.S.C. §§1441 and 1446.

10. This Petition for Removal has been made within thirty (30) days after receipt by Defendant of the Complaint in accordance with 28 U.S.C. § 1446(b).

11. Written notice of the filing of this Notice of Removal has been given to the adverse party in accordance with 28 U.S.C. §1446(d) and as noted in the attached Certificate of Service.

12. Promptly after filing with this Court and with the assignment of a civil action number, notice of this removal will be filed with the Court of Common Pleas of Allegheny County, Pennsylvania in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Liberty Insurance Corporation respectfully requests the removal of this action from the Court of Common Pleas of Allegheny County, Pennsylvania to the United States District Court for the Western District of Pennsylvania.

Respectfully submitted,

MARSHALL DENNEHEY
WARNER COLEMAN & GOGGIN

By: s/ Patricia A. Monahan
PATRICIA A. MONAHAN, ESQUIRE
PA ID # 58784
pamonahan@mdwccg.com

Counsel for Defendant,
Liberty Insurance Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Petition for Removal** has been served upon the following counsel of record this 6th day of June, 2018 via Electronic and/or U.S. First-Class Mail, Postage Prepaid:

Daniel P. McDyer, Esquire
ANSTANDIG McDYER P.C.
1300 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219-1911

(Counsel for Plaintiff)

**MARSHALL DENNEHEY
WARNER COLEMAN & GOGGIN**

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